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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,162	07/11/2001	Yuhzoh Tsuda	299002048410	3874

25226 7590 05/30/2003  
MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

EXAMINER
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BLUM, DAVID S

ART UNIT	PAPER NUMBER
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2813

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/904,162	TSUDA ET AL.
	Examiner	Art Unit
	David S Blum	2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 April 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 25-28 and 37-58 is/are pending in the application.
  - 4a) Of the above claim(s) 57 is/are withdrawn from consideration.
- 5) Claim(s) 25-28,37-56 and 58 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 25-28 and 37-58 are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 09/289,575.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>19</u>
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

This action is in response to amendment E, paper #18, filed 04/14/03.

## DETAILED ACTION

### *Election/Restrictions*

1. Newly submitted claim 57 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 57, as amended reads on a species where the width of the (n+1)th patterned mask is the same as the nth patterned mask or is smaller than a size of the opening of the nth patterned mask, but the direction of the (n+1)th mask is not twisted or angled from the (n)th mask.. This now presents a species different than any of the species currently considered.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 57 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### *Allowable Subject Matter*

2. Claims 25-28, 37-56, and 58 are allowed.
3. The following is an examiner's statement of reasons for allowed:

Claims 25, 27, 37, and 58 limit the structure of a semiconductor substrate to having consecutive masks that are angled or twisted from the previous mask (at 90-120 degrees claim 27) or at about 90 degrees (claim 58). This limitation in combination with

the other limitations of claims 25, 27, 37, and 58 is not taught or suggested by the prior art of record. Usui does not teach a second patterned mask with growth suppressing properties that is positioned at a level different from the first mask. Pribat (US 4999314) describes multiple layers using lateral epitaxial growth, but does not teach or suggest angling or twisting one mask in relation to another. Bozler (US 5362682) teaches forming slits in the same layer of the mask at 90-degree angles, but not a rotation of mask layers. Nelson (US 4935936) teaches a single layer of growth suppressing mask.

Claims 26, 42, 45, 48, 51, and 54 are allowable as being dependant upon allowable claim 25.

Claims 28, 40, 43, 46, 49, 52, and 55 are allowable as being dependant upon allowable claim 27.

Claims 38-39, 41, 44, 47, 50, 53, and 56 are allowable as being dependant upon allowable claim 37.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

4. This application is in condition for allowance except for the following formal matters:

Cancellation of claim 57.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Blum whose telephone number is (703)-306-9168 and e-mail address is [David.blum@USPTO.gov](mailto:David.blum@USPTO.gov) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr., can be reached at (703)-308-4940. Our facsimile number for Before-Final Communications is (703)- 872-9318 and for After-Final Communications is (703)- 872-9319. The facsimile number for customer service is (703)-872-9317. Our receptionist's number is (703)-308-0956.

David S. Blum

May 22, 2003

*Carl Whitehead*  
CARL WHITEHEAD, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800